

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK WARREN, as Personal
Representative of the Estate of TREVOR
BARNES WARREN, Deceased,

Plaintiff,

v.

Case No. 2:23-cv-12141
Hon: Judith E. Levy

ADVANCE CORRECTIVE HEALTHCARE,
INC., a Tennessee corporation not qualified in
Michigan, GENESEE COUNTY, a Municipal
Corporation, LOGAN RUBEL, in his
individual capacity, DELACIE JOHNSON in
her individual capacity, and DREW SMITH-
HALL, in his individual capacity.

Defendants.

JOINT CASE MANAGEMENT REPORT AND DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26(f), Mark Warren, Advance Corrective Healthcare, Inc., Genesee County, Logan Rubel, Delacie Johnson, and Drew Smith-Hall, by and through their undersigned attorneys, submit the following discovery plan:

I. MEET AND CONFER

On **October 19, 2023**, the parties had a telephone conference and discussed the issues identified under Rule 26(f) of the Federal Rules of Civil Procedure.

II. PROPOSED DISCOVERY PLAN

A. Fed. R. Civ. P. 26(f)(3)(A): timing of initial disclosures.

The Parties will exchange initial disclosures by November 30, 2023. Plaintiff reserves the right to add additional parties.

B. Fed. R. Civ. P. 26(f)(3)(B): The subjects on which discovery may be needed.

Plaintiff:

Plaintiff seeks the following discovery:

- 1) Interrogatories to Defendant;
- 2) Requests for Production of Documents to Defendant;
- 3) Approximately 15 depositions for Plaintiff, including Defendant's current and former employees who have personal knowledge of this matter and potentially Rule 30(b)(6) deponents.
- 4) Expert witness depositions, interrogatories and production requests;
- 5) Requests for Admissions;
- 6) Subpoena of records from third parties, including plaintiff's medical providers; and
- 7) Other discovery as is warranted by progression of the case.

Defendant:

- 1.) Interrogatories to Plaintiff;

- 2.) Requests for Production of Documents to Plaintiff;
- 3.) Approximately eight (8) depositions, including Plaintiff's deposition;
- 4.) Expert witness depositions, interrogatories and production requests;
- 5.) Subpoena of records from third parties, including plaintiff's medical providers; and
- 6.) Other discovery as is warranted by progression of the case.

Timing and Structure of Discovery:

The parties propose a discovery deadline of **April 19, 2024**, with a dispositive motion cut off of **May 20, 2024**.

Expert reports to be exchanged after any Motions for Summary Judgment. However, if a party deems an expert necessary for any dispositive motion, the other party must be given 30 days' notice and an opportunity to depose that expert. In such an instance the format of the notice must conform to Fed. R. Civ. P. 26(b).

C. Fed. R. Civ. P. 26(f)(3)(C): Electronically-Stored Information:

Plaintiff has requested that Defendants preserve all computer hard-drives and other electronically-stored messages relevant to the time period at issue in this case. Should Plaintiff request electronically-stored information ("ESI") as part of discovery, the Parties agree that within a reasonable period of time after service of such request, counsel for the Parties shall meet and confer, along with any Plaintiff

ESI consultant and representative of Defendant's IT or ESI department as may be appropriate, to devise an agreeable framework for ESI discovery.

D. Fed. R. Civ. P. 26(f)(3)(D): Privilege and Protection:

The Parties agree to exchange privilege logs if privilege issues arise. Anticipating the need for a reasonable protective order for Plaintiff's medical records, as well as any other information the parties identify as needing protection, the parties have commenced the process of developing such orders covering Protected Health Information and confidential documents.

E. Fed. R. Civ. P. 26(f)(3)(E): Changes in the limitations on discovery imposed under the Federal rules or local rules.

The Parties do not anticipate difficulty in association with the limitations on discovery imposed by the Federal or local rules. However, if either party is required to serve interrogatories beyond the limitations provided by the rules or conduct depositions beyond the limits set forth by the rules, the Parties agree to work in good faith together prior to requiring the Court's intervention.

F. Fed. R. Civ. P. 26(f)(3)(F): Other orders.

Plaintiff has requested that Defendant produce personnel files of various employees of Defendants, and without waiving Defendant's right to object to production of said files, Plaintiff has agreed to be bound by a reasonable protective order to be agreed upon in association with the production of these files. The Parties

also agree to be bound by a reasonable protective order covering disclosure and use of Plaintiff's medical records. (*See* Section II.D *supra*.)

III. Settlement Discussions

The parties engaged in pre-suit settlement discussions that were unsuccessful. The parties do not believe that settlement discussions will be helpful at this time but may be interested in commencing discussions again after the close of discovery. Neither party will agree to mediation through the Wayne County Tribunal but may agree to a private mediation/facilitation later in the litigation.

Respectfully submitted,

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